

III. REMARKS

Claims 1, 4-6, 8-10, 14-17 and 20 remain pending in this application. By this amendment, claims 1, 9 and 17 have been amended and claims 2, 3, 7, 11-13 and 18-19 have been canceled. Applicant is not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter noted by the Office. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-18 and 20 are rejected under 35 U.S.C. 102 as allegedly being anticipated by El-Gazzar et al. (U.S. Pat. No. 7,184,160 B2), hereinafter "El-Gazzar." Claim 19 is rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over El-Gazzar et al. in view of Martin (U.S. Pat. Pub. No. 2004/0027605), hereinafter "Martin."

With respect to the 35 U.S.C. 102 rejection of claims 1-18 and 20, Applicants assert that El-Gazzar fails to teach or disclose each and every feature of the claimed invention. Specifically, El-Gazzar fails to teach or disclose "displaying at least a portion of the incoming facsimile image before the image is outputted, and allowing a recipient to view the at least a portion of the displayed image to determine whether the incoming facsimile image is of a junk fax" as required by claim 1 (and similarly styled claims 9 and 17). El-Gazzar does not disclose displaying the incoming fax image before it is outputted, i.e. such as to a fax printer or router. Because the El-

Gazzar system does not allow a user to view an incoming fax image before it is processed or outputted, it further does not allow the user to view that image to determine whether the incoming image is of a junk fax. As the sections of El-Gazzar cited by the Office indicate, El-Gazzar only allows a user to configure different characteristics of spam and save them in the knowledge base so that the system can use those characteristics to determine if an incoming fax is spam. Col. 7, lns. 49-52. El-Gazzar's system does not allow a user to view the actual incoming fax before it is internally processed to determine whether the fax is spam. Accordingly, Applicants respectfully request that the Office withdraw this rejection.

Moreover, with respect to claim 1, El-Gazzar does not teach or disclose calculating a toner count and processing the image in the case that the toner count is below a threshold. In support of its argument to the contrary, the Office cites Col. 3, lines 27-41 and lines 13-53. El-Gazzar, as evidenced by the excerpts cited by the Office, does not even mention toner count at all. Instead, El-Gazzar discloses detecting color values and using this detection to determine whether a fax is spam or legitimate. As such, El-Gazzar does not disclose determining the toner count of a fax, and processing it if that toner count is below a threshold.

With respect to the 35 U.S.C. 103(a) rejection of claim 19, Applicants assert that the combined references cited by the Office fail to teach or suggest each and every feature of the claimed invention. Although claim 19 has been canceled, Applicants will address this rejection because portions of claim 19 have been incorporated into claim 17. Although Martin discloses a basic system for displaying a fax image, as with El-Gazzar, Martin also does not disclose a system where a user views at least a portion of a fax image to determine if at least a portion of

the fax image is spam. Accordingly, Applicants respectfully request that this rejection be withdrawn.

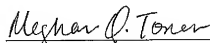
With regard to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims listed above. In addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

IV. CONCLUSION

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

Date: October 25, 2007


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